Civil Action No. 2:12-CV-222

EXHIBIT 1

2012DCV – 2247 – C

Filed: 05/15/2012 | 94th District Court

Civil Case – Other

Kimberly Moller vs. Flint Hills Resources Corpus Christi, LLC,Flint Hills Resources, LLC,FHR GP, LLC, et al

10060000424860

Plantiff	Defendant
Moller, Kimberly	Flint Hills Resources Flint Hills Resources FHR GP, LLC FHR, LLC

CASE NO. ______

NUMBER OF CASE	

FEE BOOK	
Vol.	Page

DATE OF ORDERS			Was Stenographe Used? ____		BOOK Page	PROCESS
Month	Day	Year				

ction nding Jury	DATE OF FILING		
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	Jury Fee,		
	Paid by		
	Jury No.		

COUNTY & DISTRICT COURTS OF NUECES COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF NUECES

The above and foregoing is a true and correct copy as the same appears on file and/or recorded in the appropriate records of Nueces County, Texas

hereby certified on JUL 0 6 2012

PATSY PEREZ
NUECES COUNTY DISTRICT CLERK
CLERK OF THE DISTRICT AND COUNTY COURTS AT LAW

REGISTER OF ACTIONS
CASE NO. 2012DCV-2247-C

Kimberly Moller vs. Flint Hills Resources Corpus Christi, LLC,Flint Hills Resources, LLC,FHR GP, LLC, et al § § § § §

Case Type: **Civil Case - Other**
Date Filed: **05/15/2012**
Location: **94th District Court**

PARTY INFORMATION

		Attorneys
Defendant	**FHR GP, LLC**	**J BRADLEY SPALDING** *Retained* 7139519400(W)
Defendant	**FHR, LLC** *Doing Business As* FHR, LLC (Delaware)	**J BRADLEY SPALDING** *Retained* 7139519400(W)
Defendant	**Flint Hills Resources Corpus Christi, LLC**	**J BRADLEY SPALDING** *Retained* 7139519400(W)
Defendant	**Flint Hills Resources, LLC**	**J BRADLEY SPALDING** *Retained* 7139519400(W)
Defendant	**Flint Hills Resources, LP**	**J BRADLEY SPALDING** *Retained* 7139519400(W)
Defendant	**Koch Industries, Inc.**	**J BRADLEY SPALDING** *Retained* 7139519400(W)
Plaintiff	**Moller, Kimberly**	**R ROGGE DUNN** *Retained* 2142203888(W)

EVENTS & ORDERS OF THE COURT

	OTHER EVENTS AND HEARINGS
05/15/2012	**Original Petition (OCA)** ***e-filed***
05/15/2012	**Civil Case Information Sheet** ***e-filed***
05/24/2012	**Cover Letter** *Requesting Citations **e-filed***
05/24/2012	**Service Request Information Sheet** *Service Requested **e-filed***
06/05/2012	**Citation** Flint Hills Resources Corpus Christi, LLC — Served 06/08/2012; Response Due 07/02/2012

		Returned	06/13/2012
	Flint Hills Resources, LLC	Served	06/08/2012
		Response Due	07/02/2012
		Returned	06/13/2012
	FHR GP, LLC	Served	06/08/2012
		Response Due	07/02/2012
		Returned	06/13/2012
	FHR, LLC	Unserved	
	Koch Industries, Inc.	Served	06/08/2012
		Response Due	07/02/2012
		Returned	06/13/2012
	Flint Hills Resources, LP	Served	06/08/2012
		Response Due	07/02/2012
		Returned	06/13/2012
06/29/2012	**Original Answer** *Defendants' Answer to Plaintiff's Original Petition **e-filed***		

R

ORIGINAL

Citation for Personal Service -RESIDENT

Cause Number: **2012DCV-2247-C**

THE STATE OF TEXAS

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

TO: **Flint Hills Resources Corpus Christi, LLC**
By Serving Its Registered Agent
CT Corporation System
350 N. St. Paul St., Ste. 2900
Dallas, TX 75201
the Defendant,

GREETING: You are commanded to appear by filing a written answer to the **Plaintiff's Original Petition, Civil Case Information Sheet;** at or before 10:00 o'clock a.m. of the Monday next after the expiration of 20 days after the date of service of this citation before the **Honorable Bobby Galvan**, **94th District Court** of Nueces County, Texas at the Courthouse of said County in Corpus Christi, Texas. Said **Petition** was filed on the **15th day of May, 2012.** A copy of same accompanies this citation.
The file number of said suit being Number: **2012DCV-2247-C**

The style of the case is: **Kimberly Moller vs. Flint Hills Resources Corpus Christi, LLC, Flint Hills Resources, LLC, FHR GP, LLC, et al**

Said Petition was filed in said court by **R. ROGGE DUNN**, attorney for Plaintiff, whose address is **5200 Renaissance Tower, 1201 Elm Street, Dallas, TX 75270-2142.**

The nature of the demand is fully shown by a true and correct copy of the Petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly mail the same according to requirement of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said court at Corpus Christi, Texas, this 6th day of June, 2012.

PATSY PEREZ, District Clerk
901 Leopard
Corpus Christi, Texas 78401
Nueces County, Texas

COUNTY & DISTRICT COURTS OF NUECES COUNTY, TEXAS

BY ____________________ DEPUTY
ALEX GARCIA, III

FILED-PATSY PEREZ
2012 JUN 13 AM 11:50
CLERK OF COUNTY & DISTRICT COURTS NUECES COUNTY TEXAS
DPTY

2012DCV-2247-C

RETURN OF SERVICE

94TH DISTRICT COURT

KIMBERLY MOLLER
VS.
FLINT HILLS RESOURCES CORPUS CHRISTI, LLC,FLINT HILLS RESOURCES, LLC,FHR GP, LLC, ET AL

____
Name

ADDRESS FOR SERVICE
Flint Hills Resources Corpus
Christi LLC
By Serving Its Registered
Agent
CT Corporation System
350 N. St. Paul St., Ste. 2900
Dallas, TX 75201

OFFICER'S OR AUTHORIZED PERSON'S RETURN

Came to hand on the 8 day of June, 2012, at 2:08 o'clock P. m., and executed in Dallas County, Texas by delivering to the within named defendant in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the petition, at the following times and places, to-wit:

NAME: Flint Hills Resources Corpus Christi LLC by delivering to its registered agent CT Corporation System accepted by Maria Garcia, Sr. Corp. Ops. Operations Specialist DATE/TIME 6/8/12 2' PLACE, COURSE & DISTANCE FROM COURTHOUSE 350 N. St. Paul Ste 2900 Dallas, TX

And not executed as to the defendant(s), ______________________

The diligence used in finding said defendant(s) being:
____

and the cause of failure to execute this process is:
____

and the information received as to the whereabouts of said defendant(s) being:
____

Fees:		______________________,	Officer
Serving Petition and Copy	$	______________________,	County, Texas
Total	$ 75.00	By ______________________,	Deputy

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable, or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is CHARLIE E. MORENO, my date of birth is 10/8/1950, and my
(First, Middle, Last)
address is 151 REGAL ROW STE 229 DALLAS, TX
(Street, City, State, Zip, Country)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in Dallas County, State of Texas, on the 8 day of of June, 2012.

Charlie E. Moreno
Declarant / Authorized Process Server

SCH0904 Exp 4/30/14
ID# & Expiration of Certification

R

ORIGINAL

Citation for Personal Service –RESIDENT

Cause Number: 2012DCV-2247-C

THE STATE OF TEXAS

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

TO: **FHR GP, LLC**
By Serving Its Registered Agent
CT Corporation System
350 N. St. Paul St., Ste. 2900
Dallas, TX 75201

the Defendant,

GREETING: You are commanded to appear by filing a written answer to the **Plaintiff's Original Petition, Civil Case Information Sheet;** at or before 10:00 o'clock a.m. of the Monday next after the expiration of 20 days after the date of service of this citation before the **Honorable Bobby Galvan**, **94th District Court** of Nueces County, Texas at the Courthouse of said County in Corpus Christi, Texas. Said **Petition** was filed on the **15th day of May, 2012.** A copy of same accompanies this citation.
The file number of said suit being Number: **2012DCV-2247-C**

The style of the case is: **Kimberly Moller vs. Flint Hills Resources Corpus Christi, LLC, Flint Hills Resources, LLC, FHR GP, LLC, et al**

Said Petition was filed in said court by **R. ROGGE DUNN**, attorney for Plaintiff, whose address is **5200 Renaissance Tower, 1201 Elm Street, Dallas, TX 75270-2142.**

The nature of the demand is fully shown by a true and correct copy of the Petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly mail the same according to requirement of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said court at Corpus Christi, Texas, this 6th day of June, 2012.

PATSY PEREZ, District Clerk
901 Leopard
Corpus Christi, Texas 78401
Nueces County, Texas

BY ______________ **DEPUTY**
ALEX GARCIA, III

COUNTY & DISTRICT COURTS OF NUECES COUNTY, TEXAS

FILED-PATSY PEREZ
2012 JUN 13 AM 11:50
CLERK OF COUNTY & DISTRICT COURTS
NUECES COUNTY, TEXAS

RETURN OF SERVICE

2012DCV-2247-C

KIMBERLY MOLLER
VS.
FLINT HILLS RESOURCES CORPUS CHRISTI, LLC,FLINT HILLS RESOURCES, LLC,FHR GP, LLC, ET AL

94TH DISTRICT COURT

Name

ADDRESS FOR SERVICE
FHR GP LLC
By Serving Its Registered Agent
CT Corporation System
350 N. St. Paul St., Ste. 2900
Dallas, TX 75201

OFFICER'S OR AUTHORIZED PERSON'S RETURN

Came to hand on the 8 day of June, 2012, at 2:08 o'clock P. m., and executed in Dallas County, Texas by delivering to the within named defendant in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the petition, at the following times and places, to-wit:

NAME DATE/TIME 6/8/12 2:20 P.M. PLACE, COURSE & DISTANCE FROM COURTHOUSE

FHR GP LLC by delivering to its registered agent CT Corporation System accepted by Maria Garcia, Sr. Corporate Operations Specialist 350 N. St. Paul Ste 2900 Dallas, TX

And not executed as to the defendant(s),

The diligence used in finding said defendant(s) being:

and the cause of failure to execute this process is:

and the information received as to the whereabouts of said defendant(s) being:

Fees:
Serving Petition and Copy $
Total $75.00

_______________, Officer
_______________, County, Texas
By _______________, Deputy

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable, or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

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address is 151 REGAL ROW STE 229 DALLAS, TX
(Street, City, State, Zip, Country)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in Dallas County, State of Texas, on the 8 day of of June, 2012.

Charlie E. Moreno
Declarant / Authorized Process Server

SCH0904 Exp. 4/30/14
ID# & Expiration of Certification

R

ORIGINAL

Citation for Personal Service –RESIDENT

Cause Number: 2012DCV-2247-C

THE STATE OF TEXAS

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

TO: **Koch Industries, Inc.**
By Serving Its Registered Agent
CT Corporation System
350 N. St. Paul St., Ste. 2900
Dallas, TX 75201
the Defendant,

GREETING: You are commanded to appear by filing a written answer to the **Plaintiff's Original Petition, Civil Case Information Sheet;** at or before 10:00 o'clock a.m. of the Monday next after the expiration of 20 days after the date of service of this citation before the **Honorable Bobby Galvan**, **94th District Court** of Nueces County, Texas at the Courthouse of said County in Corpus Christi, Texas. Said **Petition** was filed on the **15th day of May, 2012.** A copy of same accompanies this citation.
The file number of said suit being Number: **2012DCV-2247-C**

The style of the case is: **Kimberly Moller vs. Flint Hills Resources Corpus Christi, LLC, Flint Hills Resources, LLC, FHR GP, LLC, et al**

Said Petition was filed in said court by **R. ROGGE DUNN**, attorney for Plaintiff, whose address is **5200 Renaissance Tower, 1201 Elm Street, Dallas, TX 75270-2142.**

The nature of the demand is fully shown by a true and correct copy of the Petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly mail the same according to requirement of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said court at Corpus Christi, Texas, this 6th day of June, 2012.

COUNTY & DISTRICT COURTS OF NUECES COUNTY TEXAS

PATSY PEREZ, District Clerk
901 Leopard
Corpus Christi, Texas 78401
Nueces County, Texas

BY ______________________ **DEPUTY**
ALEX GARCIA, III

FILED-PATSY PEREZ
2012 JUN 13 AM 11:51
CLERK OF COUNTY & DISTRICT COURTS NUECES COUNTY, TEXAS
DEPUTY

RETURN OF SERVICE

2012DCV-2247-C

KIMBERLY MOLLER
VS.
FLINT HILLS RESOURCES CORPUS CHRISTI, LLC,FLINT HILLS RESOURCES, LLC,FHR GP, LLC, ET AL

94TH DISTRICT COURT

Name

ADDRESS FOR SERVICE
Koch Industries Inc
By Serving Its Registered Agent
CT Corporation System
350 N. St. Paul St., Ste. 2900
Dallas, TX 75201

OFFICER'S OR AUTHORIZED PERSON'S RETURN

Came to hand on the 8 day of June, 20 12, at 2:08 o'clock P. m., and executed in Dallas County, Texas by delivering to the within named defendant in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the petition, at the following times and places, to-wit:

NAME DATE/TIME 6/8/12 2:20 P.M. PLACE, COURSE & DISTANCE FROM COURTHOUSE
Koch Industries, Inc. by delivering with registered agent CT Corporation System accepted by Marie [illegible] Corporate Operation Specialist 350 N. St. Paul Ste 2900 Dallas, TX
And not executed as to the defendant(s),
The diligence used in finding said defendant(s) being:

and the cause of failure to execute this process is:

and the information received as to the whereabouts of said defendant(s) being:

Fees: ________________, Officer
Serving Petition and Copy $ ________________, County, Texas
Total $75.00 By ________________, Deputy

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable, or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

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address is 151 REGAL ROW STE 229 DALLAS, TX
(Street, City, State, Zip, Country)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in Dallas County, State of Texas, on the 8 day of
of June, 20 12

Charlie E. Moreno
Declarant / Authorized Process Server
SCH0904 Exp. 4/30/14
ID# & Expiration of Certification

R

ORIGINAL

Citation for Personal Service –RESIDENT

Cause Number: 2012DCV-2247-C

THE STATE OF TEXAS

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TO: **Flint Hills Resources, LLC**
By Serving Its Registered Agent
CT Corporation System
350 N. St. Paul St., Ste. 2900
Dallas, TX 75201
the Defendant,

GREETING: You are commanded to appear by filing a written answer to the **Plaintiff's Original Petition, Civil Case Information Sheet;** at or before 10:00 o'clock a.m. of the Monday next after the expiration of 20 days after the date of service of this citation before the **Honorable Bobby Galvan**, **94th District Court** of Nueces County, Texas at the Courthouse of said County in Corpus Christi, Texas. Said **Petition** was filed on the **15th day of May, 2012.** A copy of same accompanies this citation.
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PATSY PEREZ, District Clerk
901 Leopard
Corpus Christi, Texas 78401
Nueces County, Texas

COUNTY & DISTRICT COURTS OF NUECES COUNTY, TEXAS

BY ______________________ DEPUTY
ALEX GARCIA, III

FILED-PATSY PEREZ
2012 JUN 13 AM 11:51
CLERK OF COUNTY & DISTRICT COURTS NUECES COUNTY TEXAS

RETURN OF SERVICE

2012DCV-2247-C

KIMBERLY MOLLER
VS.
FLINT HILLS RESOURCES CORPUS CHRISTI, LLC,FLINT HILLS RESOURCES, LLC,FHR GP, LLC, ET AL

94TH DISTRICT COURT

Name

ADDRESS FOR SERVICE
Flint Hills Resources LLC
By Serving Its Registered Agent
CT Corporation System
350 N. St. Paul St., Ste. 2900
Dallas, TX 75201

OFFICER'S OR AUTHORIZED PERSON'S RETURN

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NAME	DATE/TIME	PLACE, COURSE & DISTANCE FROM COURTHOUSE
Flint Hills Resources LLC delivering to its registered agent CT Corporation System accepted by Dave Garcia, Sr. Corporate Operations Specialist	6/8/12 2:20 PM	350 N. St. Paul Ste 2900 Dallas, TX

And not executed as to the defendant(s), ____________________

The diligence used in finding said defendant(s) being:

____

and the cause of failure to execute this process is:

____

and the information received as to the whereabouts of said defendant(s) being:

____

Fees:
Serving Petition and Copy $________
Total $75.00

________________, Officer
________________, County, Texas
By ________________, Deputy

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

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address is 151 REGAL ROW STE 229 DALLAS, TX
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Executed in Dallas County, State of Texas, on the 8 day of June, 2012

Charlie E. Moreno
Declarant / Authorized Process Server

SCH0904 Exp 4/30/14
ID# & Expiration of Certification

ORIGINAL

Citation for Personal Service -RESIDENT

Cause Number: **2012DCV-2247-C**

THE STATE OF TEXAS

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TO: **Flint Hills Resources, LP**
By Serving Its Registered Agent
CT Corporation System
350 N. St. Paul Street, Ste. 2900
Dallas, TX 75201
the Defendant,

GREETING: You are commanded to appear by filing a written answer to the **Plaintiff's Original Petition, Civil Case Information Sheet;** at or before 10:00 o'clock a.m. of the Monday next after the expiration of 20 days after the date of service of this citation before the **Honorable Bobby Galvan**, **94th District Court** of Nueces County, Texas at the Courthouse of said County in Corpus Christi, Texas. Said **Petition** was filed on the **15th day of May, 2012.** A copy of same accompanies this citation.
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PATSY PEREZ, District Clerk
901 Leopard
Corpus Christi, Texas 78401
Nueces County, Texas

COUNTY & DISTRICT COURTS OF NUECES COUNTY, TEXAS

BY ______________________ **DEPUTY**
ALEX GARCIA, III

FILED-PATSY PEREZ
2012 JUN 13 AM 11:51
CLERK OF COUNTY & DISTRICT COURTS NUECES COUNTY, TEXAS
BY ______ DEPTY

2012DCV-2247-C

RETURN OF SERVICE

94TH DISTRICT COURT

KIMBERLY MOLLER
VS.
FLINT HILLS RESOURCES CORPUS CHRISTI, LLC,FLINT HILLS RESOURCES, LLC,FHR GP, LLC, ET AL

Name

ADDRESS FOR SERVICE
Flint Hills Resources LP
By Serving Its Registered Agent
CT Corporation System
350 N. St. Paul St, Ste. 2900
Dallas, TX 75201

OFFICER'S OR AUTHORIZED PERSON'S RETURN

Came to hand on the 8 day of June, 20 12, at 2:08 o'clock P. m., and executed in Dallas County, Texas by delivering to the within named defendant in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the petition, at the following times and places, to-wit:

NAME Flint Hills Resources LP **DATE/TIME** 6/8/12 2:20 PM **PLACE, COURSE & DISTANCE FROM COURTHOUSE** 350 N. St. Paul Ste 2900

delivering to the registered agent CT Corporation System, Dallas, TX

accepted by Marie Garcia, Sr. Corporate Operations Specialist

And not executed as to the defendant(s), ______

The diligence used in finding said defendant(s) being: ______

and the cause of failure to execute this process is: ______

and the information received as to the whereabouts of said defendant(s) being: ______

______, Officer

Fees:

Serving Petition and Copy $______ ______, County, Texas

Total $75.00 By ______, Deputy

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable, or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

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(First, Middle, Last)

address is 151 REGAL ROW STE 229 DALLAS, TX
(Street, City, State, Zip, Country)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in Dallas County, State of Texas, on the 8 day of of June, 20 12.

Charlie E. Moreno
Declarant / Authorized Process Server

SCH0904 Exp. 4/30/14
ID# & Expiration of Certification

Filed
12 May 15 P3:28
Patsy Perez
District Clerk
Nueces District

CAUSE NO. 2012 DCV-2247-C

KIMBERLY MOLLER, Plaintiff,	§	IN THE DISTRICT COURT
	§	
	§	
VS.	§	
	§	
FLINT HILLS RESOURCES CORPUS CHRISTI, LLC; FLINT HILLS RESOURCES, LLC; FHR GP, LLC; FHR, LLC D/B/A FHR, LLC (DELAWARE); AND KOCH INDUSTRIES, INC.	§	94th JUDICIAL DISTRICT
	§	
	§	
	§	
	§	
Defendants.	§	NUECES COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, KIMBERLY MOLLER (hereinafter "Plaintiff,") and files this Original Petition (hereinafter "this Petition"), complaining of **FLINT HILLS RESOURCES CORPUS CHRISTI, LLC; FLINT HILLS RESOURCES, LLC; FHR GP, LLC; FHR, LLC D/B/A FHR, LLC (DELAWARE); AND KOCH INDUSTRIES, INC.** (hereinafter collectively "Defendants") and would show unto the Court as follows:

I.
DISCOVERY CONTROL PLAN

1. Discovery is intended to be conducted under **Level III** pursuant to Texas Rule of Civil Procedure 190.4. Plaintiff hereby requests and moves for this Court to enter a Scheduling Order.

II.
THE PARTIES

2. Plaintiff is an individual who resides in Robstown, Nueces County, Texas.

3. Defendant **FLINT HILLS RESOURCES CORPUS CHRISTI, LLC,** (hereinafter "FHR CC") is a Delaware limited liability company duly qualified to do business in the State of Texas.

4. Defendant **FLINT HILLS RESOURCES, LLC** (hereinafter "FHR LLC"), is a Delaware limited liability company duly qualified to do business in the State of Texas.

5. Defendant **FHR GP, LLC** (hereinafter "FHR GP"), is a Delaware limited liability company duly qualified to do business in the State of Texas.

6. Defendant **FHR, LLC d/b/a FHR LLC (Delaware)** (hereinafter "FHR (Delaware)"), the parent company of FHR GP, is a Delaware limited liability company which surrendered its authority to transact business in Texas and withdrew its registration with the Secretary of State.

7. **Koch Industries, Inc.** (hereinafter "Koch") is a Kansas For-Profit Corporation duly qualified to do business in the State of Texas.

II.
THE PARTIES

8. Defendants were doing business in Corpus Christi, Nueces County, Texas at all times relevant to this lawsuit and did business in Corpus Christi, Nueces County, Texas at such time as the "incident" that is the subject of this lawsuit. Therefore, jurisdiction and venue are proper in Corpus Christi, Nueces County, Texas. As a proximate result of the facts pled herein, damages in excess of the minimum jurisdictional limit of this Court were incurred by Plaintiff. The damages suffered include, but are not limited to, economic and statutory damages and attorneys' fees. Plaintiff has met all conditions precedent to the filing of this lawsuit.

IV.
SERVICE

9. Defendant **Flint Hills Resources, LP** may be served by serving the Petition, citation, service of process and discovery upon its Registered Agent, CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201.

10. Defendant **Flint Hills Resources, LLC** may be served by serving the Petition, citation, service of process and discovery upon its Registered Agent, CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201.

11. Defendant **Flint Hills Resources Corpus Christi, LLC** may be served by serving the Petition, citation, service of process and discovery upon its Registered Agent, CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201.

12. Defendant **FHR GP, LLC** may be served by serving the Petition, citation, service of process and discovery upon its Registered Agent, CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201.

13. Defendant **Koch Industries, Inc.** may be served by serving the Petition, citation, service of process and discovery upon its Registered Agent, CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201.

14. Pursuant to the Texas Civil Practice & Remedies Code, §§ 17.041-17.045 et seq., service of process may be obtained upon **FHR, LLC d/b/a FHR, LLC (Delaware)** by delivery of the citation, and service of process upon the Secretary of State for the State of Texas. Service of process upon the Secretary of State is proper because Defendant **FHR, LLC d/b/a FHR, LLC (Delaware)** is headquartered in Wichita, Kansas. In addition, service upon the Secretary of State is proper because Defendant **FHR, LLC d/b/a FHR, LLC (Delaware)** has engaged or is engaged in business in Texas but does not maintain a regular place of business in the State of Texas. Finally,

Defendant **FHR, LLC d/b/a FHR, LLC (Delaware)** has not obtained or maintained a certificate of authority to do business in the State of Texas. This lawsuit arises out of business done in this state and to which Defendant **FHR, LLC d/b/a FHR, LLC (Delaware)** is a party. Plaintiff hereby provides a duplicate copy of process for Defendant **FHR, LLC d/b/a FHR, LLC (Delaware)** and advises the Secretary of State that the citation and petition should be forwarded via Certified Mail, Return Receipt Requested to Defendant **FHR, LLC d/b/a FHR, LLC (Delaware)** at its principal place of business located at:

FHR, LLC d/b/a FHR, LLC (Delaware)
4111 E. 37th Street North
Wichita, KS 67220

V.
FACTS

15. Plaintiff worked successfully for Defendants for four years.

16. Plaintiff opposed sex discrimination committed by Defendants against a co-worker.

17. Plaintiff was fired in retaliation for opposing Defendants' sex discrimination and because of Plaintiff's gender and pregnancy and because Plaintiff took leave under the Family Medical Leave Act (hereinafter "FMLA"). Plaintiff was fired without any prior warning or performance improvement plan.

18. All conditions precedent to all relief being sought by Plaintiff in the above-referenced lawsuit have been met, performed and occurred.

VI.
FIRST CAUSE OF ACTION AGAINST DEFENDANTS: SEX DISCRIMINATION IN VIOLATION OF THE TEXAS COMMISSION ON HUMAN RIGHTS ACT

19. Pursuant to Texas State law, Plaintiff pleads a cause of action against Defendants for sex discrimination in violation of the Texas Commission on Human Rights Act, Tex. Labor Code

(hereinafter the "TCHRA"). The allegations contained in all of the paragraphs of this Petition are hereby reaverred and realleged for all purposes, and incorporated herein with the same force and effect as if set forth verbatim herein. Plaintiff further shows as follows:

20. The conduct of Defendants toward Plaintiff, through its agents, employees, managers, and supervisors, as set forth above, among other activities, constitutes discrimination the basis of Plaintiff's sex and pregnance in direct violation of the TCHRA, §21.001, *et. seq.*, Labor Code, Vernon's Texas Codes Annotated, which states, in pertinent part, that:

> "An employer commits an unlawful employment practice if ... the employer ... discriminates against an individual ... or ... classifies an employee ... in a manner that would deprive or tend to deprive an individual of any employment opportunity or adversely affect in any manner the status of an employee."

21. Plaintiff is a member of a protected class and was subjected by Defendants to unfavorable treatment in the terms, conditions, and privileges of Plaintiff's employment, including termination, because of gender and/or pregnancy. There is no legitimate non-discriminatory reason for Defendants' actions, and if such a reason is propounded, it is a pretext. Plaintiff's sex and pregnancy was a determining or motivating factor in Defendants' decision to terminate Plaintiff's employment and otherwise discriminate against Plaintiff. Unlawful discrimination moved Defendants toward their decision or was a factor that played a part in Defendants' employment decisions as to Plaintiff. Defendants' conduct therefore violated the TCHRA.

22. Plaintiff has met all procedural prerequisites of bringing this TCHRA claim. Plaintiff filed TCHRA charges relating to these violations and has received a Right to Sue letter relating to these charges. Specifically, on May 9, 2012, the EEOC issued an official Notice of Right to Sue. Further, Plaintiff is within all applicable statutes of limitations for bringing this civil action.

23. Defendants' actions proximately caused Plaintiff damage in excess of the minimum jurisdictional limit of this Court.

VII.
SECOND CAUSE OF ACTION: RETALIATION
VIOLATION OF THE TEXAS COMMISSION ON HUMAN RIGHTS ACT

24. Pursuant to Texas State law, Plaintiff pleads a cause of action against Defendants for retaliation in violation of TCHRA. The allegations contained in all of the paragraphs of this Petition are hereby reaverred and realleged, for all purposes, and incorporated herein with the same force and effect as if set forth verbatim herein.

25. After Plaintiff complained of and opposing the firing of another female employee because of her sex, Defendants did not resolve or stop the discrimination. Instead, Defendants retaliated against Plaintiff and wrongfully fired Plaintiff.

26. Plaintiff has met all procedural prerequisites of bringing this TCHRA claim. Plaintiff filed TCHRA charges relating to these violations. On May 9, 2012, the EEOC issued a Right to Sue letter relating to these charges. Plaintiff has received said letter. Further, Plaintiff is within all applicable statutes of limitations for bringing this civil action.

27. Defendants' actions proximately caused Plaintiff damage in excess of the minimum jurisdictional limit of this Court.

VIII.
THIRD CAUSE OF ACTION: VIOLATION OF THE FAMILY MEDICAL LEAVE ACT

28. In the alternative, to the extent necessary, Plaintiff pleads a cause of action against Defendants for retaliation and violation of the FMLA. The allegations contained in all of the paragraphs of this Petition are hereby reaverred and realleged, for all purposes, and incorporated herein with the same force and effect as if set forth verbatim herein. Defendants retaliated and/or fired Plaintiff for taking FMLA leave.

29. Plaintiff has met all procedural prerequisites for bringing this FMLA claim. Plaintiff filed FMLA charges relating to these violations. On May 9, 2012, the EEOC issued a Right to Sue letter relating to these charges. Plaintiff has received said letter. Further, Plaintiff is within all applicable statutes of limitations for bringing this civil action.

30. Defendants' actions proximately caused Plaintiff damage in excess of the minimum jurisdictional limit of this Court.

IX.
COMPENSATORY AND LIQUIDATED DAMAGES PURSUANT TO STATUTE

31. As a consequence of the foregoing and the improper, willful and/or malicious nature of the wrongs committed against Plaintiff, Plaintiff is entitled to compensatory and/or liquidated damages in excess of the minimum jurisdictional limits of this court.

32. Defendants' discriminatory behavior and wrongful discharge violates the law. As such, Defendants is liable for compensatory and/or liquidated damages under the applicable law.

X.
PLAINTIFF'S REQUEST FOR DISCLOSURE

33. Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Defendants are requested to disclose, within the time provided by the Rules, the information described in Rule 194.2 (a)-(l) of the Texas Rules of Civil Procedure.

XI.
JURY DEMAND

34. Plaintiff demands that this Court empanel a lawful jury to hear this case.

XII.
RESERVATION OF RIGHTS

35. Plaintiff specifically reserves the right to bring additional causes of action against Defendants and to amend this Petition as necessary.

XIII.
REPORTER DEMAND

36. Plaintiffs request the Official Court Reporter for this Court, perform all the duties of the office, as set forth in Section 52.046 of the Government Code of the State of Texas, and as set forth in Rule 13 of the Rules of Appellate Procedure, including reporting all testimony and trial proceedings, voir dire examinations and jury arguments.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be cited to appear and to answer herein and that upon final hearing, the court enter judgment in favor of Plaintiff against Defendants, jointly and severally, in an amount in excess of the minimum jurisdictional limit of this Court, for actual damages, economic damages, compensatory damages, statutory damages, reasonable attorneys' fees, reasonable paralegal fees, costs of court and pre- and post-judgment interest at the highest rate allowed by law, and also enter an order revoking any license enabling Defendants to operate in Texas and revoking any certificate authorizing Defendants to do business in Texas if any judgment rendered in this case has not been satisfied within three (3) months from the date of filing said final judgment, and for such other and further relief, general or special, at law or in equity, to which Plaintiff may show Plaintiff to be justly entitled.

Respectfully submitted,

R. ROGGE DUNN
State Bar No. 06249500
CLOUSE DUNN LLP
5200 Renaissance Tower, 1201 Elm Street
Dallas, Texas 75270-2142
Telephone: (214) 220-3888
Facsimile: (214) 220-3833

ATTORNEYS FOR PLAINTIFF

Citation for Personal Service –RESIDENT

Cause Number: **2012DCV-2247-C**

THE STATE OF TEXAS

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

TO: **FHR GP, LLC**
By Serving Its Registered Agent
CT Corporation System
350 N. St. Paul St., Ste. 2900
Dallas, TX 75201
the Defendant,

GREETING: You are commanded to appear by filing a written answer to the **Plaintiff's Original Petition, Civil Case Information Sheet;** at or before 10:00 o'clock a.m. of the Monday next after the expiration of 20 days after the date of service of this citation before the **Honorable Bobby Galvan**, **94th District Court** of Nueces County, Texas at the Courthouse of said County in Corpus Christi, Texas. Said **Petition** was filed on the **15th day of May, 2012.** A copy of same accompanies this citation.
The file number of said suit being Number: **2012DCV-2247-C**

The style of the case is: **Kimberly Moller vs. Flint Hills Resources Corpus Christi, LLC, Flint Hills Resources, LLC, FHR GP, LLC, et al**

Said Petition was filed in said court by **R. ROGGE DUNN**, attorney for Plaintiff, whose address is **5200 Renaissance Tower, 1201 Elm Street, Dallas, TX 75270-2142.**

The nature of the demand is fully shown by a true and correct copy of the Petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly mail the same according to requirement of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said court at Corpus Christi, Texas, this 6th day of June, 2012.

PATSY PEREZ, District Clerk
901 Leopard
Corpus Christi, Texas 78401
Nueces County, Texas

COPY ONLY
NOT VALID FOR SERVICE

BY ______________________ DEPUTY
ALEX GARCIA, III

RETURN OF SERVICE

2012DCV-2247-C

KIMBERLY MOLLER
VS.
FLINT HILLS RESOURCES CORPUS CHRISTI, LLC,FLINT HILLS RESOURCES, LLC,FHR GP, LLC, ET AL

94TH DISTRICT COURT

____
Name

ADDRESS FOR SERVICE
FHR GP LLC
By Serving Its Registered Agent
CT Corporation System
350 N. St. Paul St., Ste. 2900
Dallas, TX 75201

OFFICER'S OR AUTHORIZED PERSON'S RETURN

Came to hand on the ________ day of ____________________, 20_____, at ________ o'clock ___. m., and executed in ____________________ County, Texas by delivering to the within named defendant in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the ______________________________________, at the following times and places, to-wit:

NAME	DATE/TIME	PLACE, COURSE & DISTANCE FROM COURTHOUSE

And not executed as to the defendant(s), ____
The diligence used in finding said defendant(s) being:

____

and the cause of failure to execute this process is:

____

and the information received as to the whereabouts of said defendant(s) being:

____

Fees:
Serving Petition and Copy $__________
Total $__________

______________________________, Officer
______________________________, County, Texas
By ______________________________, Deputy

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable, or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is ________________________________, my date of birth is ________________________, and my
(First, Middle, Last)

address is ____
(Street, City, State, Zip, Country)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in ________________________ County, State of ____________________, on the __________ day of

of ____________________, 20_____.

____
Declarant / Authorized Process Server

____
ID# & Expiration of Certification

Citation for Personal Service –RESIDENT

Cause Number: 2012DCV-2247-C

THE STATE OF TEXAS

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

TO: **Koch Industries, Inc.**
By Serving Its Registered Agent
CT Corporation System
350 N. St. Paul St., Ste. 2900
Dallas, TX 75201

the Defendant,

GREETING: You are commanded to appear by filing a written answer to the **Plaintiff's Original Petition, Civil Case Information Sheet;** at or before 10:00 o'clock a.m. of the Monday next after the expiration of 20 days after the date of service of this citation before the **Honorable Bobby Galvan**, **94th District Court** of Nueces County, Texas at the Courthouse of said County in Corpus Christi, Texas. Said **Petition** was filed on the **15th day of May, 2012.** A copy of same accompanies this citation.
The file number of said suit being Number: **2012DCV-2247-C**

The style of the case is: **Kimberly Moller vs. Flint Hills Resources Corpus Christi, LLC, Flint Hills Resources, LLC, FHR GP, LLC, et al**

Said Petition was filed in said court by **R. ROGGE DUNN**, attorney for Plaintiff, whose address is **5200 Renaissance Tower, 1201 Elm Street, Dallas, TX 75270-2142.**

The nature of the demand is fully shown by a true and correct copy of the Petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly mail the same according to requirement of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said court at Corpus Christi, Texas, this 6th day of June, 2012.

PATSY PEREZ, District Clerk
901 Leopard
Corpus Christi, Texas 78401
Nueces County, Texas

COPY ONLY
NOT VALID FOR SERVICE

BY __________________________ DEPUTY
ALEX GARCIA, III

RETURN OF SERVICE

2012DCV-2247-C

KIMBERLY MOLLER
VS.
FLINT HILLS RESOURCES CORPUS CHRISTI, LLC,FLINT HILLS RESOURCES, LLC,FHR GP, LLC, ET AL

94TH DISTRICT COURT

____
Name

ADDRESS FOR SERVICE
Koch Industries Inc
By Serving Its Registered Agent
CT Corporation System
350 N. St. Paul St., Ste. 2900
Dallas, TX 75201

OFFICER'S OR AUTHORIZED PERSON'S RETURN

Came to hand on the ________ day of ____________________, 20_____, at ________ o'clock ____. m., and executed in ________________ County, Texas by delivering to the within named defendant in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the ______________________________, at the following times and places, to-wit:

NAME **DATE/TIME** **PLACE, COURSE & DISTANCE FROM COURTHOUSE**

____

And not executed as to the defendant(s), ______________________________
The diligence used in finding said defendant(s) being:
____
and the cause of failure to execute this process is:
____
and the information received as to the whereabouts of said defendant(s) being:
____

Fees:
Serving Petition and Copy $__________
Total $__________

______________________________, Officer
______________________________, County, Texas
By ______________________________, Deputy

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable, or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

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(First, Middle, Last)
address is ____
(Street, City, State, Zip, Country)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in ________________________ County, State of ____________________, on the ___________ day of of ____________________, 20_____.

____
Declarant / Authorized Process Server

____
ID# & Expiration of Certification

NUECES COUNTY PROCESS REQUEST SHEET

901 LEOPARD STREET ROOM 313 / CORPUS CHRISTI, TEXAS 78401
PHONE # 361-888-0450 / FAX # 361-888-0571

FOR EACH PARTY SERVED YOU MUST FURNISH A COPY OF THE PLEADINGS. TWO SETS OF COPIES FOR SEC. OF STATE / COM. OF INSURANCE, ETC.

SERVICE WILL ONLY BE ISSUED UPON PAYMENT OF COST

CAUSE NUMBER: 2012DCV-2247-C DATE OF REQUEST: ________

NAME OF DOCUMENT/PLEADING TO BE SERVED:
Original Petition

SERVICE BY:
[ ] ATTORNEY OR PROCESS SERVER: ________ PHONE: ________
[ ] CERTIFED MAIL [ ] RESTRICTED DELIVERY [ ] CONSTABLE/SHERIFF [✓] RETURN BY MAIL
[ ] COURTHOUSE POSTING # OF DAYS TO BE POSTED: ____ STATEMENT OF SUIT (USE REVERSE SIDE)
[ ] PUBLICATION # OF DAYS TO BE PUBLISHED: ____
NAME OF NEWSPAPER: ________

E-FILED MAY 24 2012

PARTY/PARTIES TO BE SERVED:
[1] NAME/AGENT ________
ADDRESS ________
[2] NAME/AGENT ________ See cover letter
ADDRESS ________
[3] NAME/AGENT ________
ADDRESS ________

SIGNATURE REQUIRED BY ATTORNEY OR PARTY REQUESTING PROCESS:

NAME ________ PHONE NUMBER ________

MAILING ADDRESS ________

Citation for Personal Service –RESIDENT

Cause Number: **2012DCV-2247-C**

THE STATE OF TEXAS

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

TO: **Flint Hills Resources, LP**
By Serving Its Registered Agent
CT Corporation System
350 N. St. Paul Street, Ste. 2900
Dallas, TX 75201

the Defendant,

GREETING: You are commanded to appear by filing a written answer to the **Plaintiff's Original Petition, Civil Case Information Sheet;** at or before 10:00 o'clock a.m. of the Monday next after the expiration of 20 days after the date of service of this citation before the **Honorable Bobby Galvan**, **94th District Court** of Nueces County, Texas at the Courthouse of said County in Corpus Christi, Texas. Said **Petition** was filed on the **15th day of May, 2012.** A copy of same accompanies this citation.

The file number of said suit being Number: 2012DCV-2247-C

The style of the case is: **Kimberly Moller vs. Flint Hills Resources Corpus Christi, LLC, Flint Hills Resources, LLC, FHR GP, LLC, et al**

Said Petition was filed in said court by **R. ROGGE DUNN**, attorney for Plaintiff, whose address is **5200 Renaissance Tower, 1201 Elm Street, Dallas, TX 75270-2142.**

The nature of the demand is fully shown by a true and correct copy of the Petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly mail the same according to requirement of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said court at Corpus Christi, Texas, this 6th day of June, 2012.

PATSY PEREZ, District Clerk
901 Leopard
Corpus Christi, Texas 78401
Nueces County, Texas

BY ______________________ **DEPUTY**
ALEX GARCIA, III

COPY ONLY
NOT VALID FOR SERVICE

RETURN OF SERVICE

2012DCV-2247-C

KIMBERLY MOLLER
VS.
FLINT HILLS RESOURCES CORPUS CHRISTI, LLC,FLINT HILLS RESOURCES, LLC,FHR GP, LLC, ET AL

94TH DISTRICT COURT

____
Name

ADDRESS FOR SERVICE
Flint Hills Resources LP
By Serving Its Registered Agent
CT Corporation System
350 N. St. Paul St, Ste. 2900
Dallas, TX 75201

OFFICER'S OR AUTHORIZED PERSON'S RETURN

Came to hand on the ________ day of ____________________, 20_____, at ________ o'clock ___. m., and executed in ____________________ County, Texas by delivering to the within named defendant in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the ____, at the following times and places, to-wit:

NAME	DATE/TIME	PLACE, COURSE & DISTANCE FROM COURTHOUSE

And not executed as to the defendant(s), ____
The diligence used in finding said defendant(s) being:

____

and the cause of failure to execute this process is:

____

and the information received as to the whereabouts of said defendant(s) being:

____

Fees:		______________________,	Officer
Serving Petition and Copy	$__________	______________________,	County, Texas
Total	$__________	By ______________________,	Deputy

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

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(First, Middle, Last)
address is ____
(Street, City, State, Zip, Country)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in ______________________ County, State of ______________________, on the ___________ day of
of ____________________, 20_____.

____
Declarant / Authorized Process Server

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ID# & Expiration of Certification

Citation for Personal Service -RESIDENT

Cause Number: **2012DCV-2247-C**

THE STATE OF TEXAS

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TO: **Flint Hills Resources Corpus Christi, LLC**
By Serving Its Registered Agent
CT Corporation System
350 N. St. Paul St., Ste. 2900
Dallas, TX 75201
the Defendant,

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The style of the case is: **Kimberly Moller vs. Flint Hills Resources Corpus Christi, LLC, Flint Hills Resources, LLC, FHR GP, LLC, et al**

Said Petition was filed in said court by **R. ROGGE DUNN**, attorney for Plaintiff, whose address is **5200 Renaissance Tower, 1201 Elm Street, Dallas, TX 75270-2142.**

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PATSY PEREZ, District Clerk
901 Leopard
Corpus Christi, Texas 78401
Nueces County, Texas

COPY ONLY
NOT VALID FOR SERVICE

BY ____________________________ **DEPUTY**
ALEX GARCIA, III

RETURN OF SERVICE

2012DCV-2247-C

KIMBERLY MOLLER
VS.
FLINT HILLS RESOURCES CORPUS CHRISTI, LLC,FLINT HILLS RESOURCES, LLC,FHR GP, LLC, ET AL

94TH DISTRICT COURT

____
Name

ADDRESS FOR SERVICE
Flint Hills Resources Corpus Christi LLC
By Serving Its Registered Agent
CT Corporation System
350 N. St. Paul St., Ste. 2900
Dallas, TX 75201

OFFICER'S OR AUTHORIZED PERSON'S RETURN

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NAME DATE/TIME PLACE, COURSE & DISTANCE FROM COURTHOUSE

____

And not executed as to the defendant(s), ______________________________
The diligence used in finding said defendant(s) being:
____
and the cause of failure to execute this process is:
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and the information received as to the whereabouts of said defendant(s) being:
____

Fees:
Serving Petition and Copy $__________
Total $__________

______________________________, Officer
______________________________, County, Texas
By ______________________________, Deputy

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable, or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is ______________________________, my date of birth is ______________________, and my
(First, Middle, Last)

address is ______________________________
(Street, City, State, Zip, Country)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in ____________________ County, State of ____________________, on the ___________ day of

of ____________________, 20_____.

____
Declarant / Authorized Process Server

____
ID# & Expiration of Certification

Citation for Personal Service – Secretary of State

Cause Number: **2012DCV-2247-C**

THE STATE OF TEXAS

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

TO: **FHR, LLC d/b/a**
FHR, LLC (Delaware)
4111 E. 37th St., North
Wichita, KS 67220

the Defendant, by serving in **DUPLICATE** copies to the **OFFICE OF THE SECRETARY OF STATE, CITATIONS UNIT, P.O. BOX 12079, AUSTIN, TEXAS 78711-2079.**

GREETING: You are commanded to appear by filing a written answer to the **Plaintiff's Original Petition, Civil Case Information Sheet**; at or before 10:00 o'clock a.m. of the Monday next after the expiration of 20 days after the date of service of this citation before the Honorable **Bobby Galvan**, **94th District Court** of Nueces County, Texas at the Courthouse of said County in Corpus Christi, Texas. Said **Petition** was filed on the **15th day of May, 2012**. A copy of same accompanies this citation.

The file number of said suit being Number: **2012DCV-2247-C**

The style of the case is: **Kimberly Moller vs. Flint Hills Resources Corpus Christi, LLC, Flint Hills Resources, LLC, FHR GP, LLC, et al**

Said petition was filed in said court by **R. Rogge Dunn**, attorney for Plaintiff, whose address is **5200 Renaissance Tower, 1201 Elm Street, Dallas, TX 75270-2142.**

The nature of the demand is fully shown by a true and correct copy of the **Petition** accompanying this citation and made a part hereof.

The officer executing this writ shall promptly mail the same according to requirement of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said court at Corpus Christi, Texas, this **6th day of June, 2012.**

NOT VALID FOR SERVICE COPY ONLY

PATSY PEREZ, District Clerk
Nueces County, Texas

BY ____________________________ DEPUTY
ALEX GARCIA, III

RETURN OF SERVICE

2012DCV-2247-C

KIMBERLY MOLLER
VS.
FLINT HILLS RESOURCES CORPUS CHRISTI, LLC,FLINT HILLS RESOURCES, LLC,FHR GP, LLC, ET AL

94TH DISTRICT COURT

____
Name

ADDRESS FOR SERVICE
Fhr Llc
Address Unknown

OFFICER'S OR AUTHORIZED PERSON'S RETURN

Came to hand on the ________ day of ____________________, 20_____, at ________ o'clock ___. m., and executed in ________________ County, Texas by delivering to the within named defendant in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the ______________________________, at the following times and places, to-wit:

NAME	DATE/TIME	PLACE, COURSE & DISTANCE FROM COURTHOUSE

And not executed as to the defendant(s), ______________________________
The diligence used in finding said defendant(s) being:
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and the cause of failure to execute this process is:
____

and the information received as to the whereabouts of said defendant(s) being:
____

Fees:
Serving Petition and Copy $__________
Total $__________

______________________________, Officer
______________________________, County, Texas
By ______________________________, Deputy

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a Citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable, or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is ______________________________, my date of birth is ______________________________, and my
(First, Middle, Last)

address is ______________________________
(Street, City, State, Zip, Country)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in ______________________ County, State of ______________________, on the ____________ day of

of ____________________, 20_____.

____
Declarant / Authorized Process Server

____
ID# & Expiration of Certification

Citation for Personal Service –RESIDENT

Cause Number: **2012DCV-2247-C**

THE STATE OF TEXAS

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

TO: **Flint Hills Resources, LLC**
By Serving Its Registered Agent
CT Corporation System
350 N. St. Paul St., Ste. 2900
Dallas, TX 75201

the Defendant,

GREETING: You are commanded to appear by filing a written answer to the **Plaintiff's Original Petition, Civil Case Information Sheet;** at or before 10:00 o'clock a.m. of the Monday next after the expiration of 20 days after the date of service of this citation before the **Honorable Bobby Galvan**, **94th District Court** of Nueces County, Texas at the Courthouse of said County in Corpus Christi, Texas. Said **Petition** was filed on the **15th day of May, 2012.** A copy of same accompanies this citation.

The file number of said suit being Number: **2012DCV-2247-C**

The style of the case is: **Kimberly Moller** vs. **Flint Hills Resources Corpus Christi, LLC, Flint Hills Resources, LLC, FHR GP, LLC, et al**

Said Petition was filed in said court by **R. ROGGE DUNN**, attorney for Plaintiff, whose address is **5200 Renaissance Tower, 1201 Elm Street, Dallas, TX 75270-2142.**

The nature of the demand is fully shown by a true and correct copy of the Petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly mail the same according to requirement of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said court at Corpus Christi, Texas, this 6th day of June, 2012.

PATSY PEREZ, District Clerk
901 Leopard
Corpus Christi, Texas 78401
Nueces County, Texas

BY ______________________ DEPUTY
ALEX GARCIA, III

COPY ONLY
NOT VALID FOR SERVICE

RETURN OF SERVICE

2012DCV-2247-C

KIMBERLY MOLLER
VS.
FLINT HILLS RESOURCES CORPUS CHRISTI, LLC,FLINT HILLS RESOURCES, LLC,FHR GP, LLC, ET AL

94TH DISTRICT COURT

____
Name

ADDRESS FOR SERVICE
Flint Hills Resources LLC
By Serving Its Registered Agent
CT Corporation System
350 N. St. Paul St., Ste. 2900
Dallas, TX 75201

OFFICER'S OR AUTHORIZED PERSON'S RETURN

Came to hand on the ________ day of ____________________, 20_____, at ________ o'clock ___. m., and executed in ________________ County, Texas by delivering to the within named defendant in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the ______________________________________, at the following times and places, to-wit:

NAME	DATE/TIME	PLACE, COURSE & DISTANCE FROM COURTHOUSE

And not executed as to the defendant(s), ______________________________________
The diligence used in finding said defendant(s) being:

____

and the cause of failure to execute this process is:

____

and the information received as to the whereabouts of said defendant(s) being:

____

Fees:		______________________,	Officer
Serving Petition and Copy	$________	______________________,	County, Texas
Total	$________	By ______________________,	Deputy

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable, or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is ______________________________, my date of birth is ______________________, and my
(First, Middle, Last)

address is ______________________________________
(Street, City, State, Zip, Country)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in ______________________ County, State of ____________________, on the __________ day of

of ________________, 20_____.

____
Declarant / Authorized Process Server

____
ID# & Expiration of Certification

CIVIL CASE INFORMATION SHEET

Filed
12 May 15 P5:12
Patsy Perez
District Clerk
Nueces District

CAUSE NUMBER (FOR CLERK USE ONLY): 2012DCV-2247-C   COURT (FOR CLERK USE ONLY): ______

STYLED KIMBERLY MOLLER VS. FLINT HILLS RESOURCES CORPUS CHRISTI, LLC, ET AL.
(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing. This sheet, approved by the Texas Judicial Council, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

1. Contact information for person completing case information sheet:		Names of parties in case:	Person or entity completing sheet is:
Name: R. Rogge Dunn, Esq.	Email: rdunn@clousedunn.com	Plaintiff(s)/Petitioner(s): Kimberly Moller	[X] Attorney for Plaintiff/Petitioner [ ] *Pro Se* Plaintiff/Petitioner [ ] Title IV-D Agency [ ] Other: ____
Address: 1201 Elm Street, Suite 5200	Telephone: 214-220-3888	Defendant(s)/Respondent(s):	Additional Parties in Child Support Case:
City/State/Zip: Dallas, TX 75270	Fax: 214-220-3833	Flint Hills Resources Corpus Christi, LLC; Flint Hills Resources, LLC; FHR GP, LLC; FHR, LLC d/b/a FHR, LLC (Delaware); and Koch Industries, Inc.	Custodial Parent: ____ Non-Custodial Parent: ____
Signature: [signature]	State Bar No: 06249500	[Attach additional page as necessary to list all parties]	Presumed Father: ____

2. Indicate case type, or identify the most important issue in the case (*select only 1*):

Civil

Contract	Injury or Damage	Real Property
Debt/Contract [ ] Consumer/DTPA [ ] Debt/Contract [ ] Fraud/Misrepresentation [ ] Other Debt/Contract: ____ *Foreclosure* [ ] Home Equity—Expedited [ ] Other Foreclosure [ ] Franchise [ ] Insurance [ ] Landlord/Tenant [ ] Non-Competition [ ] Partnership [ ] Other Contract: ____	[ ] Assault/Battery [ ] Construction [ ] Defamation *Malpractice* [ ] Accounting [ ] Legal [ ] Medical [ ] Other Professional Liability: ____ [ ] Motor Vehicle Accident [ ] Premises *Product Liability* [ ] Asbestos/Silica [ ] Other Product Liability List Product: ____ [ ] Other Injury or Damage: ____	[ ] Eminent Domain/ Condemnation [ ] Partition [ ] Quiet Title [ ] Trespass to Try Title [ ] Other Property: ____ **Related to Criminal Matters** [ ] Expunction [ ] Judgment Nisi [ ] Non-Disclosure [ ] Seizure/Forfeiture [ ] Writ of Habeas Corpus—Pre-indictment [ ] Other: ____

Employment	Other Civil	
[X] Discrimination [X] Retaliation [X] Termination [ ] Workers' Compensation [X] Other Employment: FMLA Violation	[ ] Administrative Appeal [ ] Antitrust/Unfair Competition [ ] Code Violations [ ] Foreign Judgment [ ] Intellectual Property	[ ] Lawyer Discipline [ ] Perpetuate Testimony [ ] Securities/Stock [ ] Tortious Interference [ ] Other: ____

Family Law

Marriage Relationship	Post-judgment Actions (non-Title IV-D)
[ ] Annulment [ ] Declare Marriage Void *Divorce* [ ] With Children [ ] No Children	[ ] Enforcement [ ] Modification—Custody [ ] Modification—Other **Title IV-D** [ ] Enforcement/Modification [ ] Paternity [ ] Reciprocals (UIFSA) [ ] Support Order

Other Family Law	Parent-Child Relationship
[ ] Enforce Foreign Judgment [ ] Habeas Corpus [ ] Name Change [ ] Protective Order [ ] Removal of Disabilities of Minority [ ] Other: ____	[ ] Adoption/Adoption with Termination [ ] Child Protection [ ] Child Support [ ] Custody or Visitation [ ] Gestational Parenting [ ] Grandparent Access [ ] Paternity/Parentage [ ] Termination of Parental Rights [ ] Other Parent-Child: ____

Tax	*Probate & Mental Health*	
[ ] Tax Appraisal [ ] Tax Delinquency [ ] Other Tax	*Probate/Wills/Intestate Administration* [ ] Dependent Administration [ ] Independent Administration [ ] Other Estate Proceedings	[ ] Guardianship—Adult [ ] Guardianship—Minor [ ] Mental Health [ ] Other: ____

3. Indicate procedure or remedy, if applicable (*may select more than 1*):

[ ] Appeal from Municipal or Justice Court	[ ] Declaratory Judgment	[ ] Prejudgment Remedy
[ ] Arbitration-related	[ ] Garnishment	[ ] Protective Order
[ ] Attachment	[ ] Interpleader	[ ] Receiver
[ ] Bill of Review	[ ] License	[ ] Sequestration
[ ] Certiorari	[ ] Mandamus	[ ] Temporary Restraining Order/Injunction
[ ] Class Action	[ ] Post-judgment	[ ] Turnover

Filed
12 May 24 A11:22
Patsy Perez
District Clerk
Nueces District

CLOUSE DUNN LLP

1201 ELM ST., SUITE 5200
DALLAS, TEXAS 75270-2142
(214) 220-3888 • FAX (214) 220-3833

TRIAL ATTORNEYS

ROGGE DUNN

BOARD CERTIFIED
TEXAS BD. OF LEGAL SPECIALIZATION:

* CIVIL TRIAL LAW
* LABOR & EMPLOYMENT LAW

WRITER'S DIRECT DIAL: (214) 220-0077
WRITER'S E-MAIL: rdunn@righttowork.com

May 24, 2012

Patsy Perez - Nueces County District Clerk
901 Leopard Street, Room 313
Corpus Christi, Texas 78401

☐ VIA OVERNIGHT
☐ VIA HAND DELIVERY
☐ VIA FIRST CLASS MAIL

Re: Cause No. 2012DCV-2247-C
Kimberly Moller vs. Flint Hills Resources Corpus Christi, LLC, et al.

Our File Name: Moller/FHR
Our File No. 0918-77777

Dear Ms. Perez:

Please issue citations to the Defendants identified below.

Defendant **Flint Hills Resources, LP** may be served by serving the Petition, citation, service of process and discovery upon its **Registered Agent, CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201;**

Defendant **Flint Hills Resources, LLC** may be served by serving the Petition, citation, service of process and discovery upon its **Registered Agent, CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201;**

Defendant **Flint Hills Resources Corpus Christi, LLC** may be served by serving the Petition, citation, service of process and discovery upon its **Registered Agent, CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201;**

Defendant **FHR GP, LLC** may be served by serving the Petition, citation, service of process and discovery upon its **Registered Agent, CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201.**

Defendant **Koch Industries, Inc.** may be served by serving the Petition, citation, service of process and discovery upon its **Registered Agent, CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201**.

Defendant **FHR, LLC d/b/a FHR, LLC (Delaware)** may be served by serving the Petition, citation, service of process and discovery upon the **Secretary of State for the State of Texas, Citations Unit, P.O. Box 12079, Austin, Texas 78711-2079** who should then forward the citation and petition via Certified Mail, Return Receipt Requested to the following address:

FHR, LLC d/b/a FHR, LLC (Delaware)
4111 E. 37th Street North
Wichita, KS 67220

A copy of the file-marked Petition is attached hereto for your convenience.

Our office is forwarding a pre-paid, self-addressed return envelope for your convenience in sending the Citations to us for service by private process.

Thank you for your courtesies in this matter. If you have any questions or comments, please don't hesitate to contact our office.

Very truly yours,

Rogge Dunn

RRD/tmv

cc: w/enc. w/o enc. no enc. Tina Vanderburg, Paralegal (our firm)
cc: w/enc. w/o enc. no enc. RRD's Work Files

CIVIL CASE INFORMATION SHEET

Filed
12 May 15 P5:12
Patsy Perez
District Clerk
Nueces District

CAUSE NUMBER *(FOR CLERK USE ONLY)*: 2012DCV-2247-C COURT *(FOR CLERK USE ONLY)*: ______

STYLED KIMBERLY MOLLER VS. FLINT HILLS RESOURCES CORPUS CHRISTI, LLC, ET AL.
(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing. This sheet, approved by the Texas Judicial Council, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

1. Contact information for person completing case information sheet:

Name: R. Rogge Dunn, Esq.
Email: rdunn@clousedunn.com
Address: 1201 Elm Street, Suite 5200
Telephone: 214-220-3888
City/State/Zip: Dallas, TX 75270
Fax: 214-220-3833
Signature: [signature]
State Bar No: 06249500

Names of parties in case:

Plaintiff(s)/Petitioner(s):
Kimberly Moller

Defendant(s)/Respondent(s):
Flint Hills Resources Corpus Christi, LLC; Flint Hills Resources, LLC; FHR GP, LLC; FHR, LLC d/b/a FHR, LLC (Delaware); and Koch Industries, Inc.

[Attach additional page as necessary to list all parties]

Person or entity completing sheet is:

- [X] Attorney for Plaintiff/Petitioner
- [ ] *Pro Se* Plaintiff/Petitioner
- [ ] Title IV-D Agency
- [ ] Other: ____

Additional Parties in Child Support Case:
Custodial Parent: ____
Non-Custodial Parent: ____
Presumed Father: ____

2. Indicate case type, or identify the most important issue in the case *(select only 1)*:

Civil

Contract

Debt/Contract
- [ ] Consumer/DTPA
- [ ] Debt/Contract
- [ ] Fraud/Misrepresentation
- [ ] Other Debt/Contract: ____

Foreclosure
- [ ] Home Equity—Expedited
- [ ] Other Foreclosure
- [ ] Franchise
- [ ] Insurance
- [ ] Landlord/Tenant
- [ ] Non-Competition
- [ ] Partnership
- [ ] Other Contract: ____

Injury or Damage
- [ ] Assault/Battery
- [ ] Construction
- [ ] Defamation

Malpractice
- [ ] Accounting
- [ ] Legal
- [ ] Medical
- [ ] Other Professional Liability: ____
- [ ] Motor Vehicle Accident
- [ ] Premises

Product Liability
- [ ] Asbestos/Silica
- [ ] Other Product Liability List Product: ____
- [ ] Other Injury or Damage: ____

Real Property
- [ ] Eminent Domain/ Condemnation
- [ ] Partition
- [ ] Quiet Title
- [ ] Trespass to Try Title
- [ ] Other Property: ____

Related to Criminal Matters
- [ ] Expunction
- [ ] Judgment Nisi
- [ ] Non-Disclosure
- [ ] Seizure/Forfeiture
- [ ] Writ of Habeas Corpus—Pre-indictment
- [ ] Other: ____

Employment
- [X] Discrimination
- [X] Retaliation
- [X] Termination
- [ ] Workers' Compensation
- [X] Other Employment: FMLA Violation

Other Civil
- [ ] Administrative Appeal
- [ ] Antitrust/Unfair Competition
- [ ] Code Violations
- [ ] Foreign Judgment
- [ ] Intellectual Property
- [ ] Lawyer Discipline
- [ ] Perpetuate Testimony
- [ ] Securities/Stock
- [ ] Tortious Interference
- [ ] Other: ____

Tax
- [ ] Tax Appraisal
- [ ] Tax Delinquency
- [ ] Other Tax

Family Law

Marriage Relationship
- [ ] Annulment
- [ ] Declare Marriage Void

Divorce
- [ ] With Children
- [ ] No Children

Post-judgment Actions (non-Title IV-D)
- [ ] Enforcement
- [ ] Modification—Custody
- [ ] Modification—Other

Title IV-D
- [ ] Enforcement/Modification
- [ ] Paternity
- [ ] Reciprocals (UIFSA)
- [ ] Support Order

Other Family Law
- [ ] Enforce Foreign Judgment
- [ ] Habeas Corpus
- [ ] Name Change
- [ ] Protective Order
- [ ] Removal of Disabilities of Minority
- [ ] Other: ____

Parent-Child Relationship
- [ ] Adoption/Adoption with Termination
- [ ] Child Protection
- [ ] Child Support
- [ ] Custody or Visitation
- [ ] Gestational Parenting
- [ ] Grandparent Access
- [ ] Paternity/Parentage
- [ ] Termination of Parental Rights
- [ ] Other Parent-Child: ____

Probate & Mental Health

Probate/Wills/Intestate Administration
- [ ] Dependent Administration
- [ ] Independent Administration
- [ ] Other Estate Proceedings
- [ ] Guardianship—Adult
- [ ] Guardianship—Minor
- [ ] Mental Health
- [ ] Other: ____

3. Indicate procedure or remedy, if applicable *(may select more than 1)*:

- [ ] Appeal from Municipal or Justice Court
- [ ] Arbitration-related
- [ ] Attachment
- [ ] Bill of Review
- [ ] Certiorari
- [ ] Class Action
- [ ] Declaratory Judgment
- [ ] Garnishment
- [ ] Interpleader
- [ ] License
- [ ] Mandamus
- [ ] Post-judgment
- [ ] Prejudgment Remedy
- [ ] Protective Order
- [ ] Receiver
- [ ] Sequestration
- [ ] Temporary Restraining Order/Injunction
- [ ] Turnover

Filed
12 June 29 P2:56
Patsy Perez
District Clerk
Nueces District

NO. 2012–DCV–2247-C

KIMBERLY MOLLER, PLAINTIFF, vs. FLINT HILLS RESOURCES CORPUS CHRISTI, LLC,; FLINT HILLS RESOURCES, LLC; FHR GP, LLC; FHR, LLC D/B/A FHR, LLC (DELAWARE); AND KOCH INDUSTRIES, INC., DEFENDANTS.	§ § § § § § § § § § § § § §	IN THE DISTRICT COURT OF 94TH JUDICIAL DISTRICT NUECES COUNTY, TEXAS

DEFENDANTS' ANSWER TO PLAINTIFF'S ORIGINAL PEITION

Defendants Flint Hills Resources Corpus Christi, LLC; Flint Hills Resources, LLC; FHR GP, LLC; FHR, LLC d/b/a FHR, LLC (Delaware); and Koch Industries, Inc. file their Answer to Plaintiff's Original Petition.[1]

I.
GENERAL DENIAL

Defendants assert a general denial as authorized by Rule 92 of the Texas Rules of Civil Procedure, and respectfully request that the Court require Plaintiff to prove each of her claims, charges, and allegations by a preponderance of the evidence or clear and convincing evidence as required by the constitution and laws of the state of Texas. Defendants respectfully request that they be allowed to plead further and additional defenses in this cause as the facts surrounding this matter are developed.

[1] Flint Hills Resources, LP was at all times Plaintiff's employer and would therefore be the only proper defendant to this action. However, Flint Hills Resources, LP is not a party to this lawsuit.

II.
SPECIAL EXCEPTIONS

Defendants specially except to Plaintiff's Original Petition under Rule 47 of the Texas Rules of Civil Procedure because it does not specify the maximum amount of damages claimed. Defendants move this Court to require that Plaintiff's claim for unliquidated damages specify the maximum amount of damages sought so that Defendants have fair notice of the damages being sought against them and the ability to properly prepare their defenses. *Cruz v. Morris,* 877 S.W.2d 45, 47-48 (Tex. App.—Houston [14th Dist.] 1994, no writ). Defendants move the Court to sustain this special exception and order Plaintiff to replead and cure her pleading defects, and that, if Plaintiff fails or refuses to amend, to dismiss this action.

III.
OTHER DEFENSES

Without waiving the foregoing general denial, Defendants assert the following affirmative and other defenses, and reserve the right to assert additional defenses that may become apparent during the defense of this case.

FIRST DEFENSE

Defendants alternatively plead that Plaintiff has failed to state, in whole or in part, a claim upon which relief may be granted.

SECOND DEFENSE

Defendants alternatively plead that Plaintiff's claims are barred, in whole or in part, by the applicable statutes of limitation.

THIRD DEFENSE

Defendants alternatively plead that Plaintiff has failed to exhaust her administrative remedies.

Fourth Defense

Defendants alternatively plead that it was not provided notice of Plaintiff's gender and pregnancy discrimination claims, nor her retaliation claims, by the Corpus Christi Human Relations Commission, the Texas Workforce Commission or the Equal Employment Opportunity Commission.

Fifth Defense

Defendants alternatively plead that Plaintiff was an at-will employee, as that term is defined under the common law of Texas, and could be terminated at any time for any reason, not specifically prohibited by state or federal law, with or without cause.

Sixth Defense

Defendants alternatively plead that any actions taken concerning Plaintiff were done for legitimate, non-discriminatory, non-retaliatory business reasons, and Defendants had reasonable grounds for believing that such actions did not violate the Family and Medical Leave Act ("FMLA").

Seventh Defense

Defendants alternatively plead that Plaintiff has failed to mitigate her alleged damages, in whole or in part, and Defendants are entitled to an offset to the extent of any mitigation by Plaintiff.

Eighth Defense

Defendants alternatively plead that Plaintiff's damages, if any, are limited by the specific limitations on damages contained in Texas Labor Code § 21.2585, Chapter 41 of the Texas Civil Practice and Remedies Code, and all other statutory limitations on damages.

NINTH DEFENSE

Defendants alternatively plead, upon information and belief, that Plaintiff's alleged damages are limited by the after-acquired evidence doctrine.

TENTH DEFENSE

Defendants alternatively plead that the employment actions about which Plaintiff complains were taken for reasons other than Plaintiff's gender, pregnancy, alleged participation in protected activity, or any other alleged protected status held by Plaintiff.

ELEVENTH DEFENSE

Defendants alternatively plead, without waiver of Plaintiff's burden to prove that her termination was motivated by an impermissible factor, assuming *arguendo* that an impermissible factor was a motivating factor for any employment practice, that Defendants would have taken the same action regardless of Plaintiff's protected status.

TWELFTH DEFENSE

Defendants alternatively plead that all actions taken against Plaintiff were taken in good faith.

THIRTEENTH DEFENSE

Defendants alternatively plead that Defendants are entitled to an offset or credit against Plaintiff's damages, if any, based on Plaintiff's earnings, income, unemployment benefits, disability benefits, workers' compensation benefits, and/or social security benefits.

FOURTEENTH DEFENSE

Defendants alternatively plead that Plaintiff was not entitled to reinstatement under the FMLA at the time of her termination because Plaintiff had been on leave in excess of twelve weeks.

FIFTEENTH DEFENSE

Defendants alternatively plead that Plaintiff is not an "eligible employee" under the FMLA and does not otherwise meet the statutory requirements to invoke the protections of the FMLA.

SIXTEENTH DEFENSE

Defendants alternative plead that, upon information and belief, Plaintiff did not have a "serious health condition" that would meet the statutory requirements to invoke the protections of the FMLA.

SEVENTEENTH DEFENSE

Defendants reserve the right to plead additional defenses in the event that the grounds for those defenses become apparent during the litigation of this action.

IV.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendants pray that Plaintiff take nothing herein and that Defendants have judgment for their costs and for such further relief, at law or in equity, to which they may be justly entitled.

Dated: June 29, 2012

Respectfully submitted,

/s/ J. Bradley Spalding
J. Bradley Spalding
State Bar No. 00786253
bspalding@littler.com
Ashley P. Frankson
State Bar No. 24059776
afrankson@littler.com
LITTLER MENDELSON, P.C.
1301 McKinney Street
Suite 1900
Houston, Texas 77010
(713) 951-9400 – Telephone
(713) 951-9212 – Facsimile

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been forwarded to counsel of record by certified mail, return receipt requested, on this the 29th day of June 2012, addressed as follows:

R. Rogge Dunn
CLOUSE DUNN LLP
5200 Renaissance Tower, 1201 Elm Street
Dallas, Texas 75270-2142
ATTORNEY FOR PLAINTIFF

/s/ J. Bradley Spalding
J. Bradley Spalding